

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DIEGO SANTIAGO,

Index No. 06 CV 5422 (CLB) (GAY)

Plaintiff,

-against-

**DECLARATION OF
STEPHEN A. FUCHS, ESQ.**

THE VILLAGE OF OSSINING POLICE
DEPARTMENT,

Defendant.

STEPHEN A. FUCHS, declares under penalty of perjury under the laws of the
United States:

1. I am an attorney with the firm of Littler Mendelson, P.C., counsel for the Defendant in this action, Village of Ossining Police Department ("the Department"). I am fully familiar with the facts and circumstances associated with this case and I make this declaration in support of the Department's motion for summary judgment on Plaintiff Diego Santiago's claims.

2. A true and correct copy of Plaintiff's February 5, 2005, charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") is attached as Exhibit 1.

3. On April 21, 2006, the EEOC issued its determination, dismissing Plaintiff's charge and issuing a 90-day "Right to Sue" notice. True and correct copies of the EEOC determination and notification of rights letter are attached as Exhibit 2.

4. A true and correct copy of Plaintiff's July 5, 2006 Complaint, with Exhibits A and B attached thereto, is attached as Exhibit 3.

5. Thereafter, the parties each served and responded to written discovery requests. On April 11, 2007, I deposed Plaintiff. True and correct copies of excerpts from the transcript of Plaintiff's deposition, pages 1, 19, 25, 41, 51–52, 65–66, 70, 72–73, 76–84, 87, 90–91, 93–94, 97–100, 110–14, and 186, are attached as Exhibit 4.

6. A true and accurate copy of an email produced during discovery by Defendant, from Plaintiff to Chief Joseph Burton, dated October 28, 2003, is attached as Exhibit 5.

7. A true and correct copy of my letter to Paul Cisternino, Esq., dated July 24, 2007, confirming Plaintiff's cancellation and waiver of the deposition of Chief Joseph Burton is attached as Exhibit 6. Plaintiff has taken no depositions in this action.

Executed this 13th day of December 2007 in New York, New York.



Stephen A. Fuchs, Esq.